

Amended Complaint

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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2018 SEP 18 AM 11:28

Case # 2:18-cv-11871-ES-JAD

American with Disabilities Act

Title III Complaint – Public Accommodations

To End Respiratory Discrimination in America

Leonard F. Reid

Vs

Extended Stay America Corporation, Inc.

for

\$ 45,000,000.00

For using their name as a misleading, unethical and dangerous promotional tool, by touting their organization as a safe haven for the public to stay for an extended period of time safely.

While offering rooms for public use, that contain an inordinate amount of dirt embedded in the carpet upon check-in. Purposely or otherwise; extending the opportunity for sickness to spread or a sudden attack to happen to an unsuspecting client.

1) Respiratory Discrimination –

Extended Stay America for not adhering to the reasonable accommodation clause of American with Disabilities Act.

Every merchant offering health related consumer products in our society; is required to display health or warning labels - except hotels.

I Leonard F. Reid make the charge that Extended Stay America, Inc. has **severely jeopardized my health** and violated my civil rights by not willing to accommodate my respiratory disability and high blood pressure malady.

- (1) **False advertisement** - For not posting any health or testing information about the cleanliness of their “smoke – free” room. Or providing assurance that the carpet does not contain any tar, nicotine or elements associated with recent pets and / or tobacco use.
- (2) For not disclosing the fact that the **room** carpets may harbor an ounce or more of dangerous allergens and/or environmental triggers.
- (3) By refusing to display this critical information; Extended Stay America, Inc. is **guilty of violating the rights of the general public**. Robbing them of the ability to make informed health decisions.
- (4) I was embarrassingly and unceremoniously issued a Cease and Desist from the merchant; only because I submitted a report to upper management. Informing them that I used a standard, non-industrial, over the counter vacuum to achieve these results. **And offered only free solutions and suggestions** to better assist the merchant to better serve the disabled.
- (5) I feel a genuine Righteous indignation against the Merchant; because they seem to show complete lack of concern for one third of its customer base suffering from a respiratory short coming.

2) Unsanitary room conditions –

45 grams of undisclosed allergens embedded in carpet upon check – in.

28 grams = ounce

March 17 2018 – check in

25 grams = 0.88 ounces of extracted allergens

- Report submitted to upper management

Service disabled Room is not fully carpeted and rarely used.

June 29 2018 – check in

20 grams = 0.71 ounces of extracted allergens *

- **Disabled Wheelchair accessible room**
(physical evidence available)

- 3) **Currently there have been zero accommodations being made for the 1 in 3 Americans suffering from a respiratory disability.**

We petition the Court to make a Federal mandate that all hotels within a year be required to disclose cleaning information and / or allergen levels to public.

Publicly posted in rooms the service respiratory handicaps and young children.

The most prevalent disability in our society is respiratory health.

I firmly believe it is the merchant's responsibility to set and adhere to a Respiratory centric quality inspection health standard.

Performed internally or otherwise.

Simple Truth:

A cleaner environment is a healthier environment – for all.

I would like an opportunity to physical show a jury what an ounce of allergens (displayed in plastic bag and certified scale) that were extracted from merchant's establishment - actually looks like.

Reid vs. Extended Stay America

2018 Petition to end Respiratory Discrimination

New Jersey Child Care Providers that support health legislation that will safeguard the respiratory safety of our children while traveling.

We petition the Court to make a Federal mandate that hotel disclose cleaning information and / or allergen levels to public.

Publicly posted in rooms the service respiratory handicaps and young children.

Name (printed)	Address (printed)	Signature
Story Hall Day Care	158 Chestnut St 07105 (973)3446772	
Sunshine Day Care	286 s 7 th street 07103 (973)6238400	
Imagine Early Learning Center	970 Broad street 07102 (973)6453130	
Sunshine Daycare Center	14 William street 07102 (973)6233600	
Alice's Friendly Day Care	14 Napoleon St 07105 (973)8178469	
Canaa Day Care Center	205 Thomas Street 07114 (973)344-6775	
Child Care Center A	176 Lyons ave 07112 (973)9263999	
Mickey's Happy Hands Day Care	90 w peddie st 07112 (973)7320777	
Bobbie's babies	744 Broad street 07102 (973)2530102	C/o Jod
CCLC at Newark	132/142 Cabinet st	

FELCA

59th ST

AL

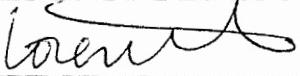
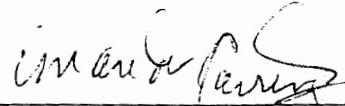
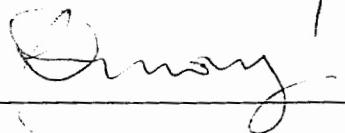
Reid vs. Extended Stay America

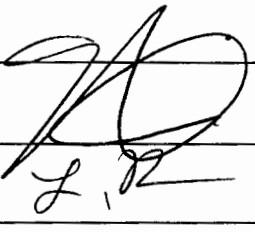
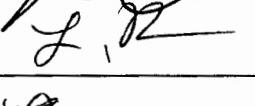
2018 Petition to end Respiratory Discrimination

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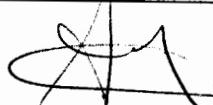
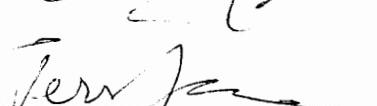
Name (printed)	Address (printed)	Signature
Alpha Day Care Center	105 Main street (973) 395 4811	
Building and Strengthen families	439 Main street (973) 677 7727	
Christian Family Day Care Center	17 N. Essex Ave. (973) 673 9200	
Laisey Academy Day Care	133 Lincoln Ave (973) 454 6160	
Norjenes Day care IV	325-339 mechanic street (973) 677 4299	

Page Academy	530 Central Ave 07107 (973)6225333	
Mighty Oaks Learning Center	96 s 6 th street 07107 (973)2426251	
Sarah Ward Day Nursery	406 Sanford Ave 07106 (973)3715311	
Broadway Head Start	724 Broadway 07104 (973)4854906	
Kiddie Korner Learning Center	740 south 18 th street 07103 (973)2944635	<i>Closed now</i>
Four N's Day Care Center	1132 s Orange Ave 07106 (973)3753399	<i>Closed</i>
Rising Sun Academy	535 MLK jr. Blvd 07102 (973)2860026	
Wisommm Holistic Child care	15 James St 07102 (973)2970300	
Rutgers Newark Child Care Center	123 Washington Street 07102 (973)3535968	
Office of Early Childhood	2 Cedar Street 07102 (973)7336234	
UVSO Infant and toddler Center	1044 s Orange Ave 07106 (973)3742000	<i>Not yet</i>
ST. ANN COMM DAY CARE CENTER	110 16 th ST NEWARK NJ	<i>M. Billig</i>
SUNSET CHRISTIAN ACADEMY	890 S. ORANGE NEWARK, NJ	
Rutgers Community Health Center	449 Broad Street Newark 405 University NJ	<i>Not yet</i>

Lil Professors Academy	56 oakwood Ave (862) 520 4834	<i>Dot of Business</i>
Montclair Child Development center	261 William Street (973) 674 0166	<i>Mickey Dabesh Facilities Mgr.</i>
Tiny Tots Haven Day Care center	270 Reynolds Terrance (973) 678 3233	
Norjenes Day Care Center	365 – 373 Lincoln Ave. (973) 675 0213	<i>[Signature]</i>
Stars of Hope	695 Scotland Road (201) 532 2026	<i>Synda Lemire</i>
YWCA After school program at Cleveland street	355 Cleveland Street (973) 672 9500	
YWCA – Heywood	421 Heywood Ave (973) 677 4105	
YWCA – Lincoln	518 Valley Street (973) 677 4130	
Orange Early Childhood center	397 Park Ave (973) 677 4000	
<i>Blessed Hope DAYCARE</i>		<i>Jordan C</i>

CITIZENS

Name (PRINTED)	Address	Signature
ARCOFESSX	50-55 Oakwood Ave. Orange, NJ	D. Aug.
Peter Dalee	781 Scotland St. Orange, NJ 1FL	Peter Dalee
Isaiah Lee	20 Thomas St. Bloomfield, NJ	Isaiah Lee

Name (printed)	Address (printed)	Signature
Susan Green	3710 Day St.	
Fernando Rios	261 William St	
Airray Pierce	268 William St	
M. G. S.	WFNS	
Terri A Jackson	198 Park Avenue Orange, NJ 07050	

DayCare Center Inc	222 Verona Ave 07104 (973)4825080	
St Paul's Daycare	741 Mt Prospect Ave 07104 (973)4850110	
Our Small World Daycare	665 Summer Ave 07104 (973)4970660	
Tot-City Day Care Center	675 s. 19 th street 07103 (973)3745252	Closed
Sarah Ward Nursery Day Care	105 Lock Street 07103 (973)6450442	
Precious Feet Christian Daycare	189 Stuyvesant Ave 07106 (862)2379358	
Rosa's Day Care Center	393 Roseville Ave 07107 (973)4840444	
Gospel Christian Academy Day Care	688 Springfield Ave 07103 (973)3995099	<i>L. H. Smith</i>
It's my Place Day Care Center	238 Berkeley Ave 07107 (973)4858585	
New Hope Development Day Care	49 12 th Ave # 4903 07103	
Community Hills Early Learning	85 Irvine Turner Blvd 07103 (973)6210852	<i>Alyja Nadwoel</i>
Stages and Ages Childcare	125 Avon Ave 07108 (973)7325192	<i>K. Charles</i>
Emmanuel Lee Garden Daycare	54 Irvine Turner Blvd 07103 (973)2421722	
Little Angels Daycare	827 Clinton Ave 07108 (973)3685066	<i>S. K. K. Ailes</i>
Buds Hope Academy Day Care Center	372 s. Orange Ave 07103 (973)240500	Closed
Brighter Tomorrow's Children's	578 Market Street 07105 (973)3441021	
United Neighbor Development Day Care	491 Orange Street 07107 (973)3500221	
Parkside Pre-school II	354 Park Ave 07107 (973)4840808	
Kiddie Komers Learning Center	319 Verona Ave 07104 (973)4845166	

The Learning
Center
200 S. Orange
Ave
Myrtle
Beach, NC 28563
202-2314

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP
ATTORNEYS AT LAW

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(973) 993-8100
FACSIMILE (973) 425-0161

TIMOTHY E. BURKE
Direct dial: (973) 425-4164
tburke@mdmc-law.com

August 20, 2018

Via E-Mail, Certified Mail and Regular U.S. Mail

Mr. Leonard F. Reid
672 South 16th Street
Newark, NJ 07103

Via E-Mail, Certified Mail and Regular U.S. Mail

Charlemagne Tech Solutions, d/b/a/ Asthma Blasters, LLC
672 South 16th Street
Newark, NJ 07103

RE: *Reid v. Extended Stay America, Inc., et al.*
United States District Court for the District of New Jersey
Case No. 2:18-cv-11871-ES-JAD

Dear Mr. Reid:

This firm represents ESA Management, LLC, which operates the Extended Stay America hotel in Secaucus, New Jersey.

It has come to our attention that you have approached members of the staff of at least one Extended Stay America hotel in New Jersey, promoting the services of your company, Asthma Blasters, LLC. We understand that, as part of that effort, you represented to the staff of the Extended Stay America hotel in Secaucus that the Town of Secaucus requires all hotels to make certain accommodations for guests with “respiratory disabilities,” which include designating three rooms as “Respiratory Accessible.” We understand that you represented to the staff that the Town of Secaucus will inspect the hotel monthly to ensure compliance with these purported regulations, and you implied that Asthma Blasters, LLC is a “designee” of the Town of Secaucus, authorized to perform those inspections and submit reports to City health officials and others. We understand that you represented to the staff that a failure to comply with these requirements could subject the hotel to “fines and/or penalties.”

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

Mr. Leonard F. Reid
August 20, 2018
Page 2

Attached hereto is a copy of an exhibit to the Complaint you filed in United States District Court, a document that contains representations that are consistent with the representations you made to the hotel staff in Secaucus. The document states, for example, "Each hotel doing business in the City of Secaucus designate 3 units as Respiratory Accessible Accommodations" and "Units to be inspected monthly by the City or its designee (Asthma Blasters)." Also included as exhibits to the Complaint you filed are similar documents stating that hotels operating in Newark, Wayne and Parsippany, New Jersey are subject to the same type of regulations.

The representations you made to the staff of the Extended Stay Hotel in Secaucus regarding the nature of the municipal requirements imposed on hotels operating in Secaucus are inaccurate. Secaucus Ordinance No. 2017-18, §80A-1, *et seq.* governs licensing for hotels, motels, rooming houses and boarding houses being operated within the Town of Secaucus. Section 80A-5 provides for the inspection of any hotel that applies for an initial or renewal license, in order to ensure compliance with all applicable health, fire and construction code ordinances, regulations and statutes. Section 80A-10 requires the Police Department, Fire Department and Construction Official to inspect the premises "from time to time ... to determine that he provisions of [the] chapter are being followed." Nothing in the Town Ordinances requires hotels to provide the types of accommodations you describe, nor does the licensing Ordinance provide for the designation of private companies like Asthma Blasters to conduct inspections on behalf of the Town.

It is evident that your representations to the Secaucus hotel staff were designed to convince the staff that you were operating under color of law and that you were authorized to impose fines and penalties on non-compliant establishments. We believe that the intent of those communications was to convince the hotel to hire Asthma Blasters to perform inspections and provide cleaning operations that you implied were required for compliance with municipal regulations that do not exist.

I am writing to demand that you immediately cease and desist any and all contacts or communications with the personnel of *any* Extended Stay America hotel, including but not limited to, any communications relating to the services of Asthma Blasters, LLC, communications that relate in any way to the legal obligations of any Extended Stay America hotel to provide accommodations to its guests and any other communications that relate in any way to the subject matter of the lawsuit referenced above.

If you should plan to book a stay in any Extended Stay America hotel, please be advised that ESA Management LLC ~~does not permit the unauthorized inspection or~~

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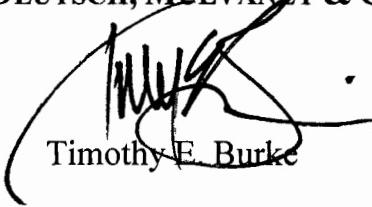
Mr. Leonard F. Reid
August 20, 2018
Page 3

testing of the contents or interior environment of any part of the hotel properties it operates. If you, as a party to a lawsuit pending in the United States District Court, wish to arrange for the any inspection, measurement, testing or samplings of any property controlled by ESA, you are required to make the appropriate request, in compliance with the Federal Rules of Civil Procedure.

Please be guided accordingly.

Very truly yours,

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP



Timothy E. Burke

TEB:ngb

JS 44 (Rev. 06/17)

973 474 7930
CIVIL COVER SHEETU.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED
10/18/18 17 A.D. 50

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

LEONARD F. Reid

(b) County of Residence of First Listed Plaintiff Essex
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Ex-Plaintiff STAY Amer

County of Residence of First Listed Defendant

Hudson
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

 1 U.S. Government Plaintiff 3 Federal Question
(U.S. Government Not a Party) 2 U.S. Government Defendant 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box, and One Box for Defendant)

 PTF Citizen of This State DEF

Incorporated or Principal Place of Business In This State

 PTF Citizen of Another State 2

Incorporated and Principal Place of Business In Another State

 5 Citizen or Subject of a Foreign Country 3

Foreign Nation

 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT

- 110 Insurance
- 120 Marine
- 130 Miller Act
- 140 Negotiable Instrument
- 150 Recovery of Overpayment & Enforcement of Judgment
- 151 Medicare Act
- 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- 153 Recovery of Overpayment of Veteran's Benefits
- 160 Stockholders' Suits
- 190 Other Contract
- 195 Contract Product Liability
- 196 Franchise

TORTS

- PERSONAL INJURY
- 310 Airplane
- 315 Airplane Product Liability
- 320 Assault, Libel & Slander
- 330 Federal Employers' Liability
- 340 Marine
- 345 Marine Product Liability
- 350 Motor Vehicle
- 355 Motor Vehicle Product Liability
- 360 Other Personal Injury
- 362 Personal Injury - Medical Malpractice

FORFEITURE/PENALTY

- PERSONAL INJURY
- 365 Personal Injury - Product Liability
- 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- 368 Asbestos Personal Injury Product Liability
- 370 Other Fraud
- 371 Truth in Lending
- 380 Other Personal Property Damage
- 385 Property Damage Product Liability
- 625 Drug Related Seizure of Property 21 USC 881
- 690 Other

BANKRUPTCY

- 422 Appeal 28 USC 158
- 423 Withdrawal 28 USC 157
- PROPERTY RIGHTS
- 820 Copyrights
- 830 Patent
- 835 Patent - Abbreviated New Drug Application
- 840 Trademark
- LABOR
- 710 Fair Labor Standards Act
- 720 Labor Management Relations
- 740 Railway Labor Act
- 751 Family and Medical Leave Act
- 790 Other Labor Litigation
- 861 HIA (1395ff)
- 862 Black Lung (923)
- 863 DIWC/DIWW (405(g))
- 864 SSDI Title XVI
- 865 RSI (405(g))
- SOCIAL SECURITY
- 861 HIA (1395ff)
- 862 Black Lung (923)
- 863 DIWC/DIWW (405(g))
- 864 SSDI Title XVI
- 865 RSI (405(g))
- FEDERAL TAX SUITS
- 870 Taxes (U.S. Plaintiff or Defendant)
- 871 IRS—Third Party 26 USC 7609
- 896 Arbitration
- 899 Administrative Proceed Act/Review or Appeal Agency Decision
- 950 Constitutionality of State Statutes

OTHER STATUTE

REAL PROPERTY

CIVIL RIGHTS

PRISONER PETITIONS

- 440 Other Civil Rights
- 441 Voting
- 442 Employment
- 443 Housing/Accommodations
- 445 Amer. w/Disabilities - Employment
- 446 Amer. w/Disabilities - Other
- 448 Education

- Habeas Corpus:
- 463 Alien Detainee
- 510 Motions to Vacate Sentence
- 530 General
- 535 Death Penalty
- Other:
- 540 Mandamus & Other
- 550 Civil Rights
- 555 Prison Condition
- 560 Civil Detainee - Conditions of Confinement

V. ORIGIN (Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

American with DISABILITIES ACT Public ACCOM

Brief description of cause:

Respiratory Discrimination / UNSANITAR

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

45000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY